

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

"VICKY;" "JANE DOE" as next friend for  
"SKYLAR" and "SAVANNAH," minors;  
"JOHN DOE" as next friend for "SALLY"  
and "SIERRA," minors; "JANE ROE" as  
next friend for "PIA," "MYA," and "AVA,"  
minors; "ALICE;" "SARAH;" "MAUREEN;"  
"CASSEOPIA;" "AMY;" "JESSICA;" "JOHN  
ROE" as next of friend for "JANE;" "JANE  
SMITH" as next of friend for "ERIKA" and  
"TORI;" "JENNY;" and "ANDY,"

Plaintiffs,

v.

James Graham Usherwood,

Defendant.

NO.

DECLARATION OF CAROL L.  
HEPBURN IN SUPPORT OF  
MOTION FOR PREJUDGMENT  
WRITE OF ATTACHMENT

NOTE ON MOTION CALENDAR:

**November 17, 2017**

CAROL L. HEPBURN hereby declares the following to be true and correct  
under penalty of perjury of the laws of the State of Washington:

DECLARATION OF CAROL L. HEPBURN  
IN SUPPORT OF MOTION FOR  
PREJUDGMENT WRIT OF ATTACHMENT

- 1

**CAROL L. HEPBURN, P.S.**  
**ATTORNEYS AT LAW**  
200 FIRST AVENUE WEST, SUITE 550  
SEATTLE, WA 98119  
TEL: (206) 957-7272 / FAX: (206) 957-7273

1           1.     I represent the Plaintiffs, "Vicky," "Skylar," "Savannah," "Sally," Sierra,"  
2     "Pia," "Mya," "Ava," "Alice," "Sarah," "Maureen," "Casseopia," "Amy," "Jessica," "Jane,"  
3     "Erika," Tori," "Jenny," and "Andy" in this action ("Plaintiffs"). I make this Declaration in  
4     support of their motion for a prejudgment writ of attachment of defendant James  
5     Graham Usherwood ("Defendant's" or "Usherwood's") real property.

6  
7           2.     Plaintiffs' request for this writ of attachment is not sought to hinder, delay  
8     or defraud any creditor of Defendant.

9           3.     Plaintiff believes, as explained below, that:

10           (a) Defendant is indebted to Plaintiffs pursuant to 18 U.S.C. § 2252A(f) and §  
11           2255(a), which provide for compensation to each Plaintiff in an amount not  
12           less than \$150,000.00 each, as Plaintiffs are victims of Defendant's  
13           possession of child pornography images; and,

14           (b) One or more of the grounds stated in RCW 6.25.030 for issuance of a writ  
15           of attachment exists and issuance of a writ herein is consistent with the  
16           requirements of Chapter 6.25 RCW.

17  
18                   **I. THE BASIS FOR THE DECLARATION**

19           4. This Declaration is based upon my personal knowledge and the following  
20     documents:

21           (a) The Criminal Information filed with the United States District Court for the  
22     Western District of Washington on August 31, 2017, attached hereto as Exhibit 1;

23  
24  
25  
DECLARATION OF CAROL L. HEPBURN  
IN SUPPORT OF MOTION FOR  
PREJUDGMENT WRIT OF ATTACHMENT  
- 2

**CAROL L. HEPBURN, P.S.**  
**ATTORNEYS AT LAW**  
200 FIRST AVENUE WEST, SUITE 550  
SEATTLE, WA 98119  
TEL: (206) 957-7272 / FAX: (206) 957-7273

1 (b) The Plea Agreement filed on September 6, 2017 in which the Defendant  
2 pleaded guilty to the violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2), attached  
3 hereto as Exhibit 2;

4 (c) The Victim Notices issued by the Department of Justice and received by the  
5 Plaintiffs, attached hereto as Exhibit 3;

6 (d) The Report and Recommendation Concerning the Guilty Plea by Magistrate  
7 Judge, Mary Alice Theiler, attached hereto as Exhibit 4;

8 (e) The Acceptance of Guilty Plea, Adjudication of Guilt, Notice of Sentencing  
9 signed by His Honor, John C. Coughenour and filed on September 21, 2017, attached  
10 hereto as Exhibit 5;

11 (f) Documents regarding 285 Dorado Dr. NW Issaquah, WA, which include the  
12 last deed recorded, plat map, property information, and tax information evidencing the  
13 Defendant's ownership of real property within the State of Washington and King  
14 County, attached hereto as Exhibit 6;

15 (g) An online report of the property from Zillow evidencing the pending Sale of  
16 the Defendant's real property, attached hereto as Exhibit 7; and

17 (h) An online report of the property from Redfin evidencing the pending sale of  
18 the Defendant's real property, attached hereto as Exhibit 8.

19  
20  
21  
22  
23 **II. FACTS**

24 5. Each of the Plaintiffs herein has received notice of his or her image(s)  
25 and/or video(s) being found as a part of evidence of Mr. Usherwood's admitted crime.

DECLARATION OF CAROL L. HEPBURN  
IN SUPPORT OF MOTION FOR  
PREJUDGMENT WRIT OF ATTACHMENT  
- 3

**CAROL L. HEPBURN, P.S.**  
**ATTORNEYS AT LAW**  
200 FIRST AVENUE WEST, SUITE 550  
SEATTLE, WA 98119  
TEL: (206) 957-7272 / FAX: (206) 957-7273

1           6.       Each of the Plaintiffs herein has undergone forensic evaluation of the  
2 injuries he or she has suffered as a result of the viewing and distribution of images of  
3 his or her childhood sexual abuse. The evaluations done demonstrate the  
4 psychological, vocational, and/or economic injury as a consequence of the viewing and  
5 distribution of their images.

6  
7           7.       Defendant, Usherwood, has pleaded guilty to the possession of child  
8 pornography in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2), which includes  
9 at least one image of each of the Plaintiffs, his plea agreement admits to the fact of  
10 distribution as well. (Ex. 2).

11           8.       Review of public records yields records of the Defendant's ownership of  
12 real property addressed 285 Dorado Drive NW, Issaquah, Washington. The parcel is  
13 listed by legal description taken from recorded deed in Ex. 6 as follows:  
14

15                   Situated in the County of King, State of Washington:

16                   Lot 7, Block 2, Mountaineer Division 3, as per plat recorded in  
17 Volume 91 of Plats, Page 53 and 54, in King County, Washington.

18           9.       Property information and tax assessments records of the Defendant's  
19 real property is attached herein as Exhibit 6.

20           10.      Review of records on Zillow and Redfin indicate that there is a sale on the  
21 Defendant's real property pending, attached herein as Exhibit 7 and 8.

22           11.      Neither counsel nor Plaintiffs are aware of the extent of encumbrances  
23 on the Defendant's real property.  
24  
25

DATED this 27th day of October, 2017 at Seattle, Washington.

CAROL L. HEPBURN, P.S.

/Carol L. Hepburn  
Carol L. Hepburn  
200 First Avenue West, #550  
Seattle, WA 98119  
(206) 957-7272  
(206) 957-7273 fax  
Emails: [carol@hepburnlaw.net](mailto:carol@hepburnlaw.net)  
Of attorneys for Plaintiff

DECLARATION OF CAROL L. HEPBURN  
IN SUPPORT OF MOTION FOR  
PREJUDGMENT WRIT OF ATTACHMENT

- 5

**CAROL L. HEPBURN, P.S.**  
**ATTORNEYS AT LAW**  
200 FIRST AVENUE WEST, SUITE 550  
SEATTLE, WA 98119  
TEL: (206) 957-7272 / FAX: (206) 957-7273